IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19793 of 1994

Between:

1 D. Jamuna, w/o Late Rama Krishna Reddy,
R/o Marripalem, Visakhapatnam Dist.
2 B. Radhika, D/o Late Rama Krishna Reddy,
R/o Marripalem, Visakhapatnam Dist.

3 D.K. Varaprasad, S/o Late Rama Krishna Reddy,
R/o Marripalem, Visakhapatnam Dist.
(Pet No. 2&3 being minors rep by their Natural Guarduian & Mother i.e., the first Petitioner Herein)
4 D. Varalakshmi, W/o Late D.V.L.N. Murthy,
R/o Marripalem, Jyothinagar,
Visakhapatnam.
5 D. Vasu Reddy, W/o Late D.V.L.N. Murthy,
R/o Marripalem, Jyothinagar,
Visakhapatnam.
6 D. Madhu, W/o Late D.V.L.N. Murthy,
R/o Marripalem, Jyothinagar,
Visakhapatnam.
7 D. Chandra Sekhar Reddy, W/o Late D.V.L.N. Murthy,
R/o Marripalem, Jyothinagar,
Visakhapatnam.

..... PETITIONERS

AND

1 Special Officer,
Urban Land Ceiling, Visakhapatnam.
2 Commissioner of Land Ceiling,
Government of A.P., Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court be pleased to issue any writ, order or direction particularly a writ, in the nature of 'CERTIORARI' by calling for the records in C.No.VSP/201 & 202/93 dated 23.4.94 on the file of the second respondent and also the connected records from first respondent and by quashing the orders remit the matter back to the respondent for conducting enquiry in accordance with law.

Counsel for the Petitioners:MR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR ASSIGNMENTS

The Court made the following :

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ORDER:

The petitioners, who are the declarants, seek to assail the impugned orders, passed by the 2nd respondent herein, dated 23-04-1994, rejecting the appeal as, barred by limitation and also not having satisfied with the reasons shown by the petitioners.

2. The case of the petitioners is that as against the orders passed by the 1st respondent herein, the petitioners had filed appeal well within the limitation as provided under the law, but however, the 2nd respondent without taking into consideration the grounds mentioned rejected the same.

3. Having heard the counsel and also on perusal of the record, it is seen that the impugned order is that one with the rejection of appeal as time barred and not satisfied with the reasons. Hence, it is not necessary to go into merits of the case, it would suffice to note that the proceedings as sought to be prosecuted by the petitioners herein are substantial one effecting the substantive rights of the parties. The very appeal involves substantial questions, which would have a larger effect on the rights of the petitioners. It is now well established that the rules of procedure should have been liberal, so as to give an opportunity to the parties that the case decided on merits rather than allowing the same become final one sided, more so, when party came forward with application to pursue the matter, opportunity should be given on merits.

4. The Writ Petition is, accordingly, allowed. The impugned order is set aside. The 2nd respondent is directed to take up the case on merits and dispose of the same after giving notice and opportunity to both sides. No costs.

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B.PRAKASH RAO, J.

Dated 01-07-2004.

SKMR

To

1 Special Officer,
Urban Land Ceiling, Visakhapatnam.
2 Commissioner of Land Ceiling,
Government of A.P., Hyderabad.

3. 2CCs to G.P. for Assignment, High Court Buildings,

Hyderabad.(OUT).

4. 2CD copies.